

Message Text

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73

ORIGIN PM-03

INFO OCT-01 SS-14 ISO-00 DODE-00 AF-04 L-01 ACDA-10 INR-05

SP-02 CIAE-00 NSC-05 NSCE-00 OMB-01 MMO-01 PRS-01

EUR-08 H-01 /057 R

DRAFTED BY PM/ISO:GTCHURCHILL:CW

APPROVED BY PM - GSVEST

OASD/ISA/FMRA - P BARRINGER

PM/ISP - J LEONARD

JCS J-5 - CAPT C TATE

AF/E - S BARBOUR

OASD/ISA/NEASA - CDR G SICK

L/PM - J MICHEL

EUR/NE -/S WORREL /S WORREL

ACDA - CDR COMBEMALE

INR/PMT - CDR N SMITH (INFO)

S/P - CDR J PATTON

S/P - T THORNTON (INFO)

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R 312103Z OCT 75

FM SECSTATE WASHDC

TO AMEMBASSY LONDON

C O N F I D E N T I A L STATE 258578

LIMDIS

E.O. 11652: GDS

TAGS: MARR, XO, US, UK

SUBJECT: US/UK AGREEMENT ON DIEGO GARCIA

REF: LONDON 15837(NOTAL)

1. CIRC LAR 175 AUTHORITY AND AD REFERENDUM US/UK AGREE-
MENT ON DIEGO GARCIA HAVE BEEN REVIEWED. ONLY REVISIONS
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REQUIRED ARE REFERENCES IN EACH OF THREE DOCUMENTS

(EXCHANGE OF NOTES; SERVICE-TO-SERVICE AGREEMENT; SUPPLEMENTAL LETTER LISTING FACILITIES) TO "DIEGO GARCIA AGREEMENT OF 1974," WHICH SHOULD BE AMENDED TO READ "DIEGO GARCIA AGREEMENT OF 1975."

2. US SIDE IS PREPARED TO SIGN AGREEMENT WHENEVER UK IS READY. WE HAVE NO OBJECTION TO SIGNATURE IN LONDON, WHICH WE UNDERSTAND BRITISH PREFER. CIRCULAR 175 AUTHORIZATION EMPOWERS AMBASSADOR (OR CHARGE D'AFFAIRES, A.I.) TO SIGN AGREEMENT.

3. FOLLOWING IS RESPONSE TO LINE OF QUESTIONING POSED BY FCO PER REFTEL:

(A) USG DOES NOT REGARD DOCUMENTS IDENTIFIED IN PARA 2 REFTEL AS COMPONENT PARTS OF SINGLE AGREEMENT. EXCHANGE OF

NOTES CONSTITUTES THE AGREEMENT. SERVICE-TO-SERVICE AGREEMENT WOULD BE CONCLUDED SUBSEQUENTLY AS SUPPLEMENTARY ARRANGEMENT IN ACCORDANCE WITH PARA 19 OF AGREEMENT. LETTER LISTING INDIVIDUAL COMPONENTS OF EXPANDED FACILITY IS FOR INFORMATION OF HMG AND IS NOT REPEAT NOT PART OF AGREEMENT.

(B) DURING NEGOTIATION OF AD REFERENDUM TEXT, UK DELEGATION PROPOSED SETTING OUT CONSTRUCTION PLANS IN ANNEX TO AGREEMENT. US DELEGATION OPPOSED THIS ON TWO GROUNDS. FIRST, SUCH DETAIL WAS INAPPROPRIATE FOR DIPLOMATIC LEVEL AGREEMENT, CONSIDERING POSSIBILITY OF MINOR CHANGES FROM TIME TO TIME IN ANY LARGE CONSTRUCTION PROJECT. SECOND, 1966 BIOT AGREEMENT (PARA 2(B) AND CONFIDENTIAL AGREED MINUTE) TOGETHER WITH PARAS 1(A) AND 1(B) OF DIEGO GARCIA AGREEMENT 1975 AD REFERENDUM TEXT ALREADY CONTAIN ADEQUATE PROVISIONS ON THIS SUBJECT. IN ORDER TO MEET BRITISH DESIRE FOR FULL INFO ON IMMEDIATE PLANS, AGREEMENT WAS REACHED ON PROCEDURE WHEREBY AMERICAN AMBASSADOR WOULD INFORM FOREIGN SECRETARY OF USG CONSTRUCTION PLANS IN A LETTER AND FCO WOULD NOTE THESE PLANS. WE HOPE THIS REMAINS MUTUALLY SATISFACTORY SOLUTION AND THAT BRITISH QUESTIONS DO NOT IMPLY DESIRE CONFIDENTIAL

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TO HAVE EXCHANGE OF LETTERS ON CONSTRUCTION PLANS REGARDED AS PART OF AGREEMENT.

(C) REGARDING PUBLICATION, USG UNDERSTANDING IS THAT BASIC AGREEMENT WILL BE ROUTINELY PUBLISHED AND REGISTERED WITH UN. SUPPLEMENTAL SERVICE-TO-SERVICE ARRANGEMENT AND EXCHANGE OF LETTERS ON CONSTRUCTION PLANS WOULD NOT BE SO PUBLISHED OR REGISTERED, BUT DO NOT APPEAR TO CONTAIN ANY

INFORMATION JUSTIFYING SECURITY CLASSIFICATION. SERVICE-TO-SERVICE LEVEL ARRANGEMENT SAYS LITTLE THAT IS NOT REPEAT NOT ALSO SET OUT IN DIPLOMATIC LEVEL AGREEMENT. CONSTRUCTION PLANS IN DRAFT LETTER HAVE BEEN SUBJECT OF OPEN HEARINGS IN US CONGRESS, AND INFORMATION ON CONSTRUCTION PLANS IS PUBLICLY AVAILABLE IN PUBLISHED TRANSCRIPTS OF THOSE HEARINGS. ACCORDINGLY, DEPT WOULD PREFER TO MAKE THESE DOCUMENTS AVAILABLE TO CONGRESS, IF REQUESTED, WITHOUT ANY INJUNCTION OF SECRECY. WITHHOLDING THESE SUPPLEMENTAL DOCUMENTS OR PROVIDING THE; ON A CLASSIFIED BASIS WOULD SEEM LIKELY TO GIVE RISE TO UNWARRANTED SPECULATION ABOUT "SECRET AGREEMENTS" WHICH WOULD BE MORE HARMFUL THAN DISCLOSURE OF THE DOCUMENTS.

(D) IF HMG BELIEVES SERVICE-TO-SERVICE ARRANGEMENT AND CONSTRUCTION PLANS REQUIRE CONFIDENTIAL TREATMENT, WE

WOULD WELCOME THEIR VIEWS. IF PERSUASIVE RATIONALE FOR CLASSIFICATION OF THESE DOCUMENTS EXISTS, WE WOULD WISH TO BE RESPONSIVE. HOWEVER, WE WOULD APPRECIATE BRITISH CONSIDERATION OF RISK OF UNWARRANTED SPECULATION WE FORESEE IN MAKING AN ISSUE OF WITHHOLDING OR CLASSIFYING INNOCUOUS INFORMATION CONTAINED IN THESE DOCUMENTS.

(E) CHURCHILL/SCOTT MEMCON, AS PART OF NEGOTIATING HISTORY, WOULD NOT REPEAT NOT BE PROVIDED TO CONGRESS WITH AGREEMENT WHEN LATTER IS SUBMITTED UNDER US LAW. WHILE IT HAS UNTIL NOW BEEN OUR POSITION THAT WE SHOULD NOT REPEAT NOT DISCLOSE THIS MEMCON TO CONGRESS, OUR EXPERIENCE IN DEALING WITH THE DIEGO GARCIA ISSUE IN THE CONGRESS OVER THE PAST YEAR LEADS US TO BELIEVE THAT THIS RELEVANT PORTION OF THE NEGOTIATING RECORD SHOULD BE DISCUSSED WITH KEY CONGRESSIONAL LEADERS AND CONFIDENTIAL

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MADE AVAILABLE TO THEM ON A CONFIDENTIAL BASIS IF THEY DESIRE. UNLESS BRITISH SIDE HAS SERIOUS OBJECTIONS, WE WOULD PLAN TO DO SO SHORTLY AFTER THE AGREEMENT IS SIGNED. WE WOULD ATTEMPT TO ENSURE THAT CONFIDENTIALITY OF DOCUMENT WOULD BE FULLY PROTECTED BY CONGRESSIONAL RECIPIENTS. WE RECOGNIZE THE RISK THAT MATERIAL RELEASED IN THIS FASHION MAY BECOME PUBLIC KNOWLEDGE, BUT FEEL AT THIS POINT THAT FAILURE TO DISCLOSE THE EXISTENCE OF THIS DOCUMENT WOULD BE POTENTIALLY MORE DAMAGING TO OUR INTERESTS. WE WOULD, OF COURSE, BE PREPARED TO COORDINATE THIS MOVE WITH ANY ACTIONS THE BRITIS MIGHT WISH TO TAKE WITH REGARD TO THIS DOCUMENT. KISSINGER

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